

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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MARK K. MACRIS, :  
: :  
Plaintiff, : Case No.: 1:17-cv-00361 (WMS)  
: :  
vs. :  
: :  
EXPERIAN INFORMATION SOLUTIONS, INC. :  
And SPECIALIZED LOAN SERVICING, LLC. :  
: :  
Defendants.  
-----X

**STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF  
DEFENDANT SPECIALIZED LOAN SERVICING, LLC'S  
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Local Civil Rules of United States District Court for the Western District of New York, defendant Specialized Loan Servicing, LLC ("SLS" or "Defendant") respectfully submits this statement of Undisputed Material Facts in support of its Motion for Summary Judgment as follows:

**A. The Note and Mortgage**

1. The plaintiff Mark K. Macris ("Plaintiff") along with non-party/co-mortgagor Catherine Macris (together with Plaintiff, the Borrowers) executed and delivered to Countrywide Bank, FSB (hereinafter "Countrywide"), a Note dated February 1, 2008 where it was covenanted and agreed that they would repay Countrywide the principal sum of \$193,472.00, with interest (hereinafter, "Note"). (See the Affidavit of Cynthia Wallace hereinafter, "the Wallace Affidavit" ¶ 5, **Exhibit C**).

2. The Note contains an indorsement in blank. (Wallace Affidavit, **Exhibit C**).

3. The Borrowers also executed and delivered to Mortgage Electronic Registration Systems, Inc. (“MERS”) as nominee for Countrywide, a mortgage dated February 1, 2008 (hereinafter, “Mortgage”), granting a security interest on real property located at 403 Teakwood Terrace, Amherst, New York 14221 (hereinafter, “Property”). (Wallace Affidavit ¶ 6, **Exhibit D**).

4. The Mortgage was duly recorded in the Erie County Clerk’s Office on February 19, 2008 under Control Number 2008034690. (Wallace Affidavit, **Exhibit D**).

5. Said Mortgage was transferred from MERS as nominee for Countrywide to Bank of America, N.A., Successor by merger to BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP by an Assignment of Mortgage dated November 8, 2011 and recorded in the Erie County Clerk’s Office on February 12, 2012 under Control Number 2012025860 (“Assignment 1”). (Wallace Affidavit ¶ 7, **Exhibit E**).

6. Said Mortgage was further transferred from BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP to the Secretary of Housing and Urban Development by an Assignment of Mortgage dated April 3, 2014 and recorded in the Erie County Clerk’s Office on June 2, 2014 under Control Number 2014105938 (“Assignment 2”). (Wallace Affidavit ¶ 8, **Exhibit F**).

7. Said Mortgage was further transferred from the Secretary of Housing and Urban Development by PRMF Acquisition, LLC, its Attorney in Fact to U.S. Bank National Association, as Trustee for SROF-2013-S3 REMIC Trust I in an Assignment of Mortgage dated July 21, 2014 and recorded in the Erie County Clerk’s Office on July 21, 2014 under Control Number 2014150316 (“Assignment 3”). (Wallace Affidavit ¶ 9, **Exhibit G**). Thereafter, the Mortgage was transferred from U.S. Bank National Association, as Trustee for SROF-2013-S3

REMIC Trust I to U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee in an Assignment of Mortgage dated August 14, 2015 and recorded in the Erie County Clerk's Office on August 17, 2015 in Book 13733 Page 7013 ("Assignment 4"). (Wallace Affidavit ¶ 9, **Exhibit G**).

**B. Borrowers' Default and Failure to Cure**

8. The Borrowers failed to comply with the terms of the Mortgage Loan by defaulting on the installment payment due and payable on October 1, 2009 and monthly thereafter. (Wallace Affidavit ¶ 10, **Exhibit H**).

**C. The New York State Foreclosure Action and Sale of Property**

9. On March 26, 2015, an action was commenced to foreclose on the Mortgage Loan entitled, *U.S. Bank National Association, as Trustee for SROF-2013-S3 REMIC Trust I v. Mar K. Macris, Catherine M. Macris, et al.*, Index Number 503473/2015 in the Erie County Supreme Court (the "2015 Foreclosure Action"). (Wallace Affidavit ¶ 11, **Exhibit I**). The caption was later amended to reflect *U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee v. Catherine Macris*. (Wallace Affidavit ¶ 11). The Plaintiff was removed from the caption. (Wallace Affidavit ¶ 11).

10. U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee obtained a judgment of foreclosure and sale and the property was sold at an auction. (Wallace Affidavit ¶ 11, **Exhibit J**). The mortgage loan was later sold to PROF-2013-S3 Legal Title Trust V, by U.S. Bank National Association, as Legal Title Trustee. (Wallace Affidavit ¶¶ 11-12, **Exhibit J**).

11. A release from obligation under the subject debt was never provided to Plaintiff. (Wallace Affidavit ¶ 11).

Dated: October 31, 2018  
New York, NY

MCGLINCHEY STAFFORD

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